

Notice of Allowability	Application No.	Applicant(s)	
	10/052,009	DOW ET AL.	
	Examiner	Art Unit	
	Cheukfan Lee	2622-2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 3, 2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-20, 22, 23, 25, 27, and 28, now renumbered 1-24, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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1. Claims 1-3, 5-20, 22, 23, 25, 27, and 28 are pending. Claims 1, 9, 18, and 23 are independent.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David R. Risley on October 26, 2005. Mr. Risley agreed to add continuation data with respect to the parent application, Serial No. 09/130,082, Patent No. 6,292,273, to page 1 of the specification, and the patent number 6,496,284 of the already existing Serial No. 09/588,944 to the same page.

3. **Please amend the specification as follows:**

Page 1, line 7, after "2000," insert -- Patent No. 6,496,284, which is a division of application Serial No. 09/130,082, Patent No. 6,292,273, --;

line 7, after "which", change "is" to – are --.

4. The following is an examiner's statement of reasons for allowance:

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The Terminal Disclaimer filed December 17, 2004 has been approved on March 23, 2005.

Independent claims 1, 9, 18, 23 as amended include limitations of claims 4, 21, 24, and 26, now canceled. Claims 4, 21 and 26 were indicated allowable if rewritten in independent form. Specifically, claim 1 includes limitation of canceled claim 4, claim 9 includes limitations of canceled claims 24 and 4, claim 18 includes limitation of canceled claim 21, and claim 23 includes limitations of canceled claims 24 and 26.

Claims 1, 9, 18, and 23 are allowable over the prior art of record because the closest prior art Anderson et al. (U.S. Patent No. 6,680,749) does not teach the features of canceled claims 4, 21, and 26 which are included in claims 1, 9, 18, and 23, in combination with other limitations of claims 1, 9, 18, and 23, respectively. More specifically, claims 1, 9, 18, and 23 each require that one of the navigation buttons as defined is used or invoked to exit from the menu when the one navigation button is selected by the user. This feature is not taught by Anderson et al. Instead of using one of the navigation buttons (410a, 410b, 411a, and 411b), Anderson et al. uses the button (414 in Fig. 5A) to exit the menu (col. 10, lines 15-18), which button (404 does not have the function of a navigation button as defined in the claim(s).

Claims 2, 3, and 5-8 depending on claim 1 are allowable for the reason given for claim 1.

Claims 10-17 depending on claim 9 are allowable for the reason given for claim 9.

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Claims 19, 20, and 22 depending on claim 18 are allowable for the reason given for claim 18.

Claims 25, 27, and 28 depending on claim 23 are allowable for the reason given for claim 23.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor (currently unknown) can be reached on (currently unknown). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
October 26, 2005


Cheukfan Lee